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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,237	01/28/2004	Hitan S. Kamdar	GP-304345 (2760/159)	4779

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General Motors Corporation
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EXAMINER

FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,237

Applicant(s)

KAMDAR ET AL.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-4, 6-8, 10-13,15-18, and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by **McDonnell et al. US 2003/0208522 A1**.

Regarding claim 1, McDonnell discloses a method for wireless network data collection utilizing a telematics unit within a mobile vehicle communication system, the method comprising:

detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; P.0028, lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises the detects beacons signals from the portal that alert nearby compatible systems of their presence);

generating wireless network information based on the at least one detected wireless network identification signals (P.0028, lines 8-17); and

communicating the generated wireless network information to a service provider (Abstract, lines 9-16; P.0022; P.0028, lines 13-20; the programs of the wireless device forms the structured information, e.g. identity of the business, location of portal, and services available, and sends a message through the cellular subsystem to a database service system).

Regarding claim 2, McDonnell discloses the method of claim 1, wherein detecting the at least one wireless short-distance communication network identification signal comprises:

receiving at least one wireless short-distance communication network identification signal (P.0028, lines 1-11; the wireless communication device receives a presence signal from the portal, e.g. business premises);

determining a unique device identifier associated with each received wireless short-distance communication network identification signal (P.0028, lines 1-17; the mobile device request from the portal structured information, e.g. identity of the business); and

storing the determined unique device identifier (P.0030).

Regarding claim 3, McDonnell discloses the method of claim 1, wherein the wireless short-distance communication network identification signal includes information selected from the group consisting of: an internet protocol address, GPS location, a location identification tag, points of interest, venue capacity, venue size, and category (P.0021, lines 1-6; P.0028, lines 10-17).

Regarding claim 4, McDonnell discloses the method of claim 1, wherein generating the wireless network information comprises: associating a GPS coordinate with the detected wireless short-distance communication network identification signal (P.0033, lines 1-9; the mobile device can determine its own location and associate it with the presence signal received from the portal, e.g. business premises); and storing the wireless short-distance communication network identification signal and the associated GPS coordinate (P.0030).

Regarding claim 6, McDonnell discloses the method of claim 4, wherein the GPS coordinate is included within the at least one wireless short-distance communication network identification signal (P.0028, lines 1-17; location of the portal is transmitted in a wireless short-distance signal to the mobile device).

Regarding claim 7, McDonnell discloses the method of claim 1, wherein the at least one wireless short-distance communication network identification signal is selected from the group consisting of: radio frequency identification data, a short message service signal, an IEEE 802.11 standard compliant signal, and a Bluetooth compliant signal (P.0020, lines 3-7).

Regarding claim 8, McDonnell discloses the method of claim 1, wherein communicating the generated wireless network information to a service provider comprises: detecting a wireless network information upload trigger; and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger (P.0038, lines 1-6; the collected information from the portals is sent immediately to a service location database or over a period of number of portals, therefore the upload is triggered as the information is received or as a information from certain numbers of portals is received).

Regarding claim 10, McDonnell discloses the method of claim 8, further comprising: transmitting the wireless network information to a service provider (P.0022, lines 5-9; P.0038, lines 1-6).

Regarding claim 11, McDonnell discloses a computer readable medium for operating a telematics unit within a mobile vehicle, comprising:

computer readable code for detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; P.0028, lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises the detects beacons signals from the portal that alert nearby compatible systems of their presence);

computer readable code for generating wireless network information based on the at least one detected wireless network identification signals (P.0028, lines 8-17); and

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computer readable code for communicating the generated wireless network information to a service provider (Abstract, lines 9-16; P.0022; P.0028, lines 13-20; the programs of the wireless device forms the structured information, e.g. identity of the business, location of portal, and services available, and sends a message through the cellular subsystem to a database service system). McDonnell inherently has a “computer readable medium”, given that McDonnell shows a process that would be implemented by a processor that requires a “computer readable medium”, e.g. a RAM, to function.

Regarding claim 12, the claim is rejected over the same reasons stated about claim 2, as it recites the same limitations of claim 2. See remarks about claim 2 above.

Regarding claim 13, the claim is rejected over the same reasons stated about claim 4, as it recites the same limitations of claim 4. See remarks about claim 4 above.

Regarding claim 15, the claim is rejected over the same reasons stated about claim 6, as it recites the same limitations of claim 6. See remarks about claim 6 above.

Regarding claim 16, the claim is rejected over the same reasons stated about claim 7, as it recites the same limitations of claim 7. See remarks about claim 7 above.

Regarding claim 17, the claim is rejected over the same reasons stated about claim 8, as it recites the same limitations of claim 8. See remarks about claim 8 above.

Regarding claim 19, the claim is rejected over the same reasons stated about claim 10, as it recites the same limitations of claim 10. See remarks about claim 10 above.

Regarding claim 20, McDonnell discloses a system for operating a telematics unit within a mobile vehicle, the system comprising:

means for detecting at least one wireless short-distance communication network identification signal (P.0023-0024; Short-range Wireless Transceiver);

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means for generating wireless network information based on the at least one detected wireless network identification signals (P.0028, lines 1-17; Gatherer Program 26); and

means for communicating the generated wireless network information to a service provider (P.0025, lines 1-6; Cellular Radio Subsystem 22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McDonnell** in view of **Cedervall US 2005/0085239 A1**.

Regarding claim 5, McDonnell disclose the method of claim 4, wherein the GPS coordinate is based on the location of the mobile communication device at the time of reception (P.0033, lines 3-9). However McDonnell fails to disclose wherein the mobile communication device is a telematics unit. Cedervall teaches that a telematics device is a device capable of communicating with a wireless network such as a wireless or mobile device (P.0022). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to recognize that the GPS coordinate is based on a telematics unit as taught by Cedervall, because a wireless or mobile device that is capable of communicating with a wireless network it can be for example a telematics device (P.0022).

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Regarding claim 14, the claim is rejected over the same reasons stated about claim 5, as it recites the same limitations of claim 5. See remarks about claim 2 above.

5. **Claims 9 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McDonnell** in view of well known prior art (MPEP 2144.03).

Regarding claim 9, McDonnell discloses the method of claim 8, but fails to disclose wherein detecting the wireless network information upload trigger comprises: receiving a wireless network information request; and processing the wireless network information request to identify the wireless network information upload trigger. The Examiner takes Official Notice that is well known that an information request for information from a network is an upload trigger to transmit the requested information. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive a request from a network to trigger an upload of information, because the uploading of information will be done when necessary, therefore avoiding the unnecessary reception of redundant information.

Regarding claim 18, the claim is rejected over the same reasons stated about claim 9, as it recites the same limitations of claim 9. See remarks about claim 9 above.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa
Art Unit 2681


RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER
9/27/05